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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Jiebo Luo, et al.

DIGITAL IMAGE PROCESSING
SYSTEM AND METHOD FOR
EMPHASIZING A MAIN SUBJECT
OF AN IMAGE

Serial No. 09/642,533

Filed 18 August 2000

Group Art Unit: 2623

Examiner: Wu, Jingge

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Anita Marie Barker

Anita Marie Barker

March 3, 2005

Date

Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

Sir:

APPELLANT'S REPLY BRIEF

1. Luo et al. does not disclose automatically identifying a main subject of the image.

The Examiner's Answer relies upon the position:

'Examiner has construed the main subject as equivalent to Luo's
"candidate sky region" in the final rejection.' (page 7)

In addition to relying upon equivalence, this position contradicts Luo et al., which, as noted in Appellant's Brief, distinguishes sky region from main subject (Luo et al., col. 1, lines 49-52) Even if this were not the case, Luo et al. would contradict this argued equivalence of "candidate sky region" and the "main subject" of the claims. Luo et al. as a whole, is directed to, as the title states: "METHOD FOR DETECTING SKY IN IMAGES"; rather than "candidate sky region", which is the product of an intermediate step.

2. Luo et al. does not disclose automatically altering pixel values of said image to emphasize said main subject, said altering following said identifying.

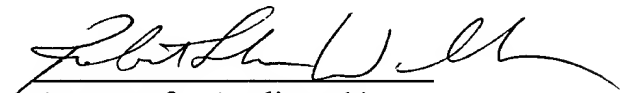
The Examiner's Answer argues this feature is taught by Luo et al., which identifies a main subject, candidate sky regions, and then uses region growing methods (including eliminating pixels) to refine those candidate regions:

'Luo first identifies the candidate sky regions by segmenting the image into regions and generating a belief map of segmented regions, and then using region growing methods to refine the main subject, "[s]mall, isolated sky regions are ignored" (col. 10 lines 49-67) The refinement is inherently emphasizing the candidate sky region to find "true sky region" (col. 16, lines 5-7).' (pages 7-8; emphasis added)

Luo et al. contradicts this position. The candidate sky regions are output by item 202 in Figure 2. (Luo et al., col. 9, lines 40-43) Figure 6 presents details of the region extraction process 202, in Figure 2. (Luo et al., col. 9, lines 25-26) The region growing cited in by the Examiner is part of item 75 in Figure 6. (Luo et al., col. 10, lines 49-50) Thus, the region growing is used to produce the candidate sky regions.

For these reasons, as well as those presented in Appellants' Brief, Appellants respectfully submit that the Final Rejection is in error, and they request its reversal by the Honorable Board.

Respectfully submitted,


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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.